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MAYOR CHARLES HORN: Thank you. Good morning. I currently serve in a public trust capacity as the mayor of the City of Mesquite.

Certainly with the proposed routings and transportation of these materials, we have a vested interest in these proceedings.

However, my remarks I would like to focus with regard to the legitimacy of this rulemaking process.

The Federal Government's authority to make rules governing any property is predicated solely upon the preexisting condition of federal ownership of that property.

This fundamental prerequisite is a specific contractual requirement of federalism.

The contract explicitly mandates that the powers not given to the Federal Government by the federal contract are reserved, or in other words, not authorized or available for federal use.

Consequently the federal rulemaking power is limited or expressly defined by contract.

In this regard, then, it becomes essential as well as instructive to appeal to the standard that governs our federal system.

The so-called property clause expressly grants to Congress the power to make all needful rules and regulations respecting the property belonging -- quote belonging to the United States, unquote.

The specified condition is belonging to the United States, or in other words, ownership.

It has been represented for many years that this clause was intended by its architects to include real estate property within state boundaries simply because it was owned by the United States prior to statehood.

The error of this illusion is shattered in their own words within this treatise entitled Public Lands versus the United States.

Those who created that property clause clearly indicate that that clause was germane only to properties outside the boundaries of a given state unless other conditions were met.

When a new state is admitted to the union, the ownership of the public lands within its boundaries is automatically transferred to that state under the federal contract.

Thereafter, in order to qualify as belonging to the United States, property within state boundaries must meet the test of acquisition according to the contract.

This test is described by the compact as, quote all places purchased by the consent of the legislature of the state in which the same shall be.

The federal rulemaking power over Yucca Mountain, Nevada must indeed meet the test of ownership within state boundaries, which is the proof of purchase from the State of Nevada with the consent of the Nevada Legislature.

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Therefore I challenge the Federal Government to provide the citizens of Nevada with legitimate proof of federal ownership of the property known as Yucca Mountain, proof that meets the test required by the contract of federalism as evidence of your rightful rulemaking powers at Yucca Mountain.

I ask you to respond truthfully to the following questions: If you already own Yucca Mountain, why does the contract said you must buy it? If the state doesn't own it, how could they sell it to you?

Thank you very much.

MR. BROWN: Thank you.